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수신 : 서울 서초구 양재동 275-7 KEC빌딩 17층

김창세 귀하

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> 특허청 의견제출통지서

137-130 No. 2004. 5. 3 지일국제 平허법물

출원이

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주소 서울 서초구 양재동 275-7 KEC빌딩 17층

출원번호

10-2002-7002612

발명의 명칭

2,6-디메틸나프탈렌의 제조방법

승인통지는 하지 않습니다.)

[이 유]

1. 이 출원의 특허청구범위 제1항 내지 제9항에 기재된 발명은 그 출원전에 이 발명이 속하는 기술 분야에서 통상의 지식을 가진 자가 아래에 지적한 것에 의하여 용이하게 발명할 수 있는 것이므로 특허법 제29조제2항의 규정에 의하여 특허를 받을 수 없습니다.

- 아래 -

본원의 특허청구범위 제1항 내지 제9항은 "고순도 2,6-디메틸나프탈렌의_제조방법에 있어서, 디메 존권의 특여성구임위 세1양 내시 세9양는 "고문노 2,6~니메틸나프틸덴의 세소방법에 놨어져, 니메틸나프틸렌 함유 혼합물을 냉각 결정화 → 고액 분리하여 고상 성분 수독 → 고상 성분을 용매로 틸나프틸렌 함유 혼합물을 냉각 결정화 → 고액 분리하여 고상 성분 수독 → 고상 성분을 용매로 세정하는 단계를 포함하며, 고액 분리 단계가 압착 여과시키는 것임을 특징으로 하는 방법"에 관한 것으로서, 인용간행물1(첨부1, Fig.4) 및 인용간행물2(첨부2)에 기재된 종래 기술인 "냉각 결정화 → 고액 분리(흡인 여과)하여 고상 성분 수독 → 고상 성분을 용매로 세정하는 단계"에 있어서 고 액 분리 단계가 압착 여과임을 특징으로 하고 있으나,

인용간행물3(첨부3)에 냉각 결정화 → <u>압착 여과</u>에 의한 고액 분리 → 고상 성분을 용매와 접촉시키는 단계에 의해 고순도 2,6-디이소프로필나프탈렌을 분리정제하는 방법이 기재되어 있는 바, 상기 청구항에 기재된 발명은 상기 종래기술의 흡인여과에 의한 고액분리 단계에 본원의 목적물질과 같은 2,6-디알킬나프탈렌류인 2,6-디이소프로필나프탈렌의 분리 정제에 사용된 압착 여과 방법을 도입한 것으로서, 이는 호환성 및 동일기능을 가진 단순한 공지 수단의 전환에 불과하므로, 이 발명이 속하는 기술분야에서 통상의 지식을 가진 자가 아래에 지적한 것에 의하여 용이하게 발명할 점이 있는 것이다. 수 있는 것입니다.

2. 이 출원은 아래에 지적한 바와 같이 특허법 제45조의 규정에 의한 요건을 충족하지 못하므로 특 허률 받을 수 없습니다.

- 아래 -

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출력 일자: 2004/5/31

본원의 특허청구범위 제1항 내지 제9항은 "고순도 2,6-디메틸나프탈렌의 제조방법에 있어서, 디메틸나프탈렌 함유 혼합물을 냉각 결정화 → 고액 분리하여 고상 성분 수득 → 고상 성분을 용매로 세정하는 단계를 포함하며, 고액 분리 단계가 압착 여과시키는 것임을 특징으로 하는 방법"에 관한 서도로 시민에 보다 전에 보다 전에 보다 전에 보다 기술인 "냉각 결정화 것으로서, 인용간행물1(첨부1, Fig.4) 및 인용간행물2(첨부2)에 기재된 종래 기술인 "냉각 결정화 것으로서 인용간하여 고상 성분 수득 → 고상 성분을 용매로 세정하는 단계"에 있어서 고액 분리 단계가 압착 여과임을 특징으로 하고 있으나,

청구범원 제10항 내지 제17항은 다단계 세정에 관한 것일 뿐, 압착 여과에 관한 내용을 포함하지 않습니다.

따라서, 상기 특허청구범위 제1항 내지 제9항 발명과 제10항 내지 제17항 발명은 공통적으로 대응하는 특별한 기술적 특징이 없으므로 본원은 1특허출원의 요건을 충족시키지 못합니다.

[첨 부]

첨부 1 EP 0939068호(1999.09.01) 1부.

첨부2 일본공개특허공보 소48-22449호(1973.03.22) 1부.

_____ 첨부3 일본공개특허공보 평05-331079호(1993.12.14) 1부. 끝.

2004.05.28

특허청

화학생명공학심사국 유기화학심사담당관실

심사관 오세?

심사관 이충

<<안내>>

문의사항이 있으시면 🏞 042)481-5547 로 문의하시기 바랍니다.

특허청 직원 모두는 깨끗한 특허행정의 구현을 위하여 최선을 다하고 있습니다. 만일 업무처리과정에서 직원의 부조리행 위가 있으면 신고하여 주시기 바랍니다.

▶ 홈페이지(www.kipo.go.kr)내 부조리신고센터

Re: Korean Patent Appln. No. 2002-7002612

Your Ref.: FP2463-011

Our Ref.: FPL/200202-0041/C

Reasons for Rejection

1. Claims 1 to 9 (claim 2 has been canceled) of the subject application cannot be patented under Article 29(2) of the Korean Patent Law, since they are considered to be easily conceivable from the inventions known in the art prior to the filing/priority date of the subject application by a person skilled in the relevant art, as explained below:

Claims 1 and 3 to 9 of the subject application are directed to a method for manufacturing highly pure 2,6-dimethylnaphthalene comprising the steps of: performing cooling crystallization of a mixture containing dimethylnaphthalenes; performing solid-liquid separation to obtain a solid component; and washing the solid component using a solvent, wherein the solid-liquid separation performed after the cooling crystallization includes **press filtration**.

Meanwhile, European Patent Publication No. 0 939 068 (hereinafter "cited reference 1"; Publication Date: September 1, 1999; see Fig. 4) and Japanese Patent Laid-open Publication No. Sho 48-22449 (hereinafter "cited reference 2"; Publication Date: March 22, 1973) disclose a method comprising a cooling crystallization step, a solidliquid separation step (suction filtration) to obtain a solid component, and a washing step of the solid component using a solvent. Further, Japanese Patent Laid-open Publication No. Hei 5-331079 (hereinafter "cited reference 3"; Publication Date: December 14, 1993) describes a 2,6highly pure purifying for isolating and method diisopropylnaphthalene, comprising the steps of: performing cooling crystallization, performing solid-liquid separation by press filtration, and contacting an obtained solid component with a solvent.

First, on comparison of the subject invention with cited references 1 and 2, it is considered that the subject invention is different in that the press filtration is used in the step of the solid-liquid separation, instead of the suction filtration. However, such difference is easily derived from cited reference 3 since cited reference 3 teaches a method for isolating and purifying, through press filtration, 2,6-diisopropylnaphthalene, which falls within the category of 2,6-dialkylnaphthalenes encompassing 2,6-dimethylnaphthalene of the present invention.

Accordingly, the subject invention is considered to be a simple modification from the known technologies, and thus, is readily derivable by a person skilled in the art from the cited references without any difficulty.

Therefore, the subject application cannot be patented under Article 29(2) of the Korean Patent Law.

 The subject application cannot be patented under Article 45 of the Korean Patent Law, as explained below:

Claims 1 and 3 to 9 are directed to a method for manufacturing highly pure 2,6-dimethylnaphthalene comprising the steps of: performing cooling crystallization of a mixture containing dimethylnaphthalenes; performing solid-liquid separation to obtain a solid component; and washing the solid component using a solvent, wherein the solid-liquid separation performed after the cooling crystallization includes press filtration.

On the other hand, claims 10 to 17 recite a multi-step washing, but do not have "press filtration" limitation, which is an essential constitution in claims 1 and 3 to 10.

Accordingly, claims 1 and 3 to 9 and claims 10 to 17 of the subject application do not have any common technical features, and, thus, are regarded as involving multiple inventions that cannot be covered by one patent application

Therefore, the subject application cannot be patented for violating the requirement under Article 45 of the Korean Patent Law.

Our Comments/Recommendations

Please note that claims 1 to 9 originally filed were replaced with claims 1 to 16 enclosed with your letter of February 7, 2002, as reported in our letter of March 25, 2002. Claims 1 and 3 to 17 are currently pending.

(1) As for rejection 1:

Article 29(2) of the Korean Patent Law stipulates that a patent shall not be granted for an invention that could easily be conceived from the inventions known in the art prior to the filing/priority date of the patent application by those having an ordinary skill in the art.

As to cited reference 1, however, please note that it cannot be qualified as a prior art reference which can vitiate the inventive step of the subject invention, because it was published on September 1, 1999 later than the priority date of the subject application (August 31, 1999). Accordingly, please let us traverse this rejection.

As to cited references 2 and 3, as you are aware, the references cited by the Examiner have been described as the prior art references in the International Search Report(Form PCT/ISA/210) and International Preliminary Examination Report (Form PCT/IPEA/409).

Accordingly, unless we are instructed to prepare counter-arguments from our end, we will wait for your instructions, possibly including comparative data, arguments to overcome the rejection over the cited references and/or an amendment to the claims.

In addition, any corresponding applications which have been issued or allowed in other countries may be helpful. Please advise us of the issued patent number or patent publication number of such, if any.

(2) As for rejection 2:

Article 45 of the Korean Patent Law stipulates that a patent application shall relate to one invention only; however, a group of inventions so linked as to form a single general inventive concept may be the subject of a patent application.

The Examiner is of the opinion that the subject application contains two(2) different groups of invention which cannot be included in one application, i.e., (i) a method for manufacturing highly pure 2,6-dimethylnaphthalene, characterized in that the solid-liquid separation performed after the cooling crystallization includes press filtration (claims 1 and 3 to 9), and (ii) a method for manufacturing highly pure 2,6-dimethylnaphthalene, characterized in that a washing step is performed at least twice, and a part or the entirety of a mother liquor obtained in a second washing step or in a subsequent washing step is used as a solvent in a washing step performed prior to the washing step at which the mother liquor is obtained (claims 10 to 17).

Under the circumstances, in order to overcome this rejection, it is proposed to cancel claims 10 to 17 from the subject application and file a divisional application covering the canceled claims at the time of filing a response to the outstanding Office Action.